

Statement of Principal Points
373 New York Avenue (Block 2303, Lot 29)
Jersey City, Hudson County, New Jersey
August 19, 2021

An application has been filed for the above-noted site with the Jersey City Zoning Board of Adjustment approval of a use variance pursuant to N.J.S.A. 40:55D-70.d.(1); and approval of bulk “c” variances for minimum front yard landscaping pursuant to N.J.S.A. 40:55D-70.c subsumed within the use variance.

The project site is located in the One- and Two-Family Housing (R-1) District and the Riverview Arts Overlay District. The purpose of the R-1 District is to “[a]ccommodate existing housing and encourage compatible infill development with one- and two-family homes that preserve the streetscape, utilize on-street parking where the frontages are narrow and maintain the low-rise character of the area.” The project site is identified as Lot 29 on Block 2303 and is located on the west side of New York Avenue, between Congress Street and South Street. The site has approximately 26.3 feet of frontage along New York Avenue, a lot depth of 100 feet, and a total lot area of 2,633 square feet (0.06 acres). The project site is currently occupied by a 2-story, two-family home.

The purpose of this application is to demolish the existing 2-story, two-family home and develop the project site with a 3-story, 3-family dwelling. The first floor will consist of a 2-bedroom, 1½-bath live/work unit. The 423-square-foot work space will be located at the front of the building, accessible directly from the street via a double door, and include an ADA accessible toilet. The second and third floors will each be occupied by a 3-bedroom, 2-bath unit. The rear yard will be accessible by the residents of Unit 1 from the first floor live/work space and residents of Unit 2 from the second floor unit. A private roof deck will provide outdoor space for the residents of the third-floor unit. The project will provide one (1) new street tree.

The Zoning Board of Adjustment has the jurisdiction to grant d(1) use variances pursuant to the Municipal Land Use Law N.J.S.A. 40:55D-70.d.(1) *in particular cases and for special reasons*. Under relevant case law (*Medici v. BPR Co.* 107 NJ 1 (1987)), the standard for granting variances with respect to the positive criteria is that the proposed use will promote the general welfare, the property is “particularly suited” to accommodate the proposed use, and the proposed use can be reconciled with the Zoning Ordinance. The bulk “c” variances for landscaping are subsumed within the use variance.

Positive Criteria: In terms of the use variance, the proposed property is particularly suitable for the proposed 3-family dwelling with live/work use and is consistent with the character of Block 2303. The Block has several multi-family dwellings, including: 343 New York Avenue (Lot 44) with 6 units, 349 New York Avenue (Lot 41) with 5 units, 363 New York Avenue (Lot 34) with 4 units, 365 New York Avenue (Lot 33) with 3 units. Across the street on Block 2304 are additional multi-family dwellings including: 364 New York Avenue with 3 units, 366 New York Avenue with 3 units including a live/work unit, 370 New York Avenue with 3 units and 376 New York Avenue with 3 units. Furthermore, the project site is

located in a traditionally transit-oriented development (TOD) location, approximately 3 blocks east from the 9th Street-Congress Street Hudson Bergen light rail station, which would support the additional density proposed.

The project requires no bulk variances from the R-1 District, except for the front yard landscaping. The proposed project site setbacks are compliant with Jersey City Zoning for R-1 District. The project proposes a rear yard setback of 21 feet-6 inches and a front yard setback of 13 feet-6 inches totaling the minimum requirement of no less than 35 feet. The north side setback will be at 3 feet-1 inch and the south side setback will be at 0 feet with the adjacent building at the lot line. The building height of the proposed project is contextual to the neighborhood and compliant for a 3-story building with 10-foot floor-to-ceiling heights (increasing to a 12-foot floor-to-ceiling height at the front on the third floor) at 35 feet maximum height with a flat roof. A building coverage of 57.4% is proposed, where 60% is permitted and a lot coverage of 79.7% is proposed, where 85% is permitted.

The project requires a variance for the proposed front yard landscaping where 60% of the yard is required to be landscaped and 43.7% is provided. The remainder of the front yard is covered with permeable pavers, providing access to the ground floor live/work unit as well as the garbage and recycling storage space under the stairs.

Purposes of the MLUL: Granting the requested variances will advance the purposes of the Municipal Land Use Law and promote the general welfare. The project will provide adequate light, air and open space consistent with N.J.S.A. 40:55D-2.c. by providing compliant setbacks. The project will promote appropriate population densities and concentrations, consisting with other multi-family dwellings in the neighborhood, consistent with N.J.S.A. 40:55D-2.e. The proposed project will promote a desirable environment through creative development techniques consistent with N.J.S.A. 40:55D-2.i. by constructing a new attractive building on the property and providing a new street tree on New York Avenue.

Negative Criteria: Granting the requested variances will not result in a substantial detriment to the general welfare. The project would create a 3-family dwelling, that meets all of the bulk standards of the R-1 District and is in close proximity to a light rail station. The project would remove the existing brick wall and fence which extends into the sidewalk and provide a new sidewalk and street tree.

Granting the variances will likewise not result in a substantial impairment to the intent and purpose of the zone plan and zoning ordinance. The project advances the purposes of the Riverview Arts Overlay District by creating a live/work unit, and the objectives of the City's 2000 Master Plan, including; providing consistent in-fill development and providing housing densities appropriate to the character of the existing neighborhood.

The requested variances necessary for the proposed project can be granted in that both the positive and negative criteria have been met pursuant to N.J.S.A. 40:55D-70.d. and N.J.S.A. 40:55D-70.c.

The Applicant reserves the right to supplement the foregoing reasons with expert testimony at the Zoning Board of Adjustment hearing.